

House Study Bill 683 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON HITE)

A BILL FOR

1 An Act relating to facial covering policies adopted by the
2 boards of directors of school districts or the authorities
3 in charge of accredited nonpublic schools and providing
4 civil penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 280.31, Code 2022, is amended to read as
2 follows:

3 **280.31 Facial coverings.**

4 1. The board of directors of a school district, the
5 superintendent or chief administering officer of a school
6 or school district, and the authorities in charge of each
7 accredited nonpublic school shall not adopt, enforce, or
8 implement a policy that requires its employees, students, or
9 members of the public to wear a facial covering for any purpose
10 while on the school district's or accredited nonpublic school's
11 property unless the facial covering is necessary for a specific
12 extracurricular or instructional purpose, or is required by
13 section 280.10 or 280.11 or any other provision of law.

14 2. a. If the board of directors of a school district or the
15 authorities in charge of an accredited nonpublic school adopt a
16 facial covering policy as a necessary accommodation for a child
17 with disabilities, the board or authorities shall grant an
18 exception to the policy to any student whose parent or guardian
19 provides written notice to the school district or accredited
20 nonpublic school indicating that wearing a facial covering is
21 detrimental to the student's education.

22 b. The board of directors of a school district and the
23 authorities in charge of an accredited nonpublic school shall
24 process all written notices submitted pursuant to paragraph "a"
25 within twenty-four hours after receipt.

26 c. The board of directors of a school district or the
27 authorities in charge of an accredited nonpublic school shall
28 not take any adverse action against a student who is granted
29 an exception to a policy that requires students to wear
30 facial coverings as a necessary accommodation for a child with
31 disabilities.

32 d. The department of education shall adopt rules pursuant
33 to chapter 17A to create a process to accept complaints from
34 parents and guardians related to violations of this subsection.
35 If, after investigation, the department of education determines

1 that any employee or contractor of the board of directors of a
2 school district or the authorities in charge of an accredited
3 nonpublic school has violated this subsection, the department
4 of education shall assess a civil penalty against the employee
5 or contractor not to exceed five hundred dollars for each
6 violation. Revenue from the civil penalty provided in this
7 paragraph shall be remitted to the treasurer of state for
8 deposit in the general fund of the state.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to facial covering policies adopted by
13 the boards of directors of school districts or the authorities
14 in charge of accredited nonpublic schools and provides civil
15 penalties.

16 The bill requires that if the board of directors of a
17 school district or the authorities in charge of an accredited
18 nonpublic school adopt a facial covering policy as a necessary
19 accommodation for a child with disabilities, the board or
20 authorities shall grant an exception to the policy to any
21 student whose parent or guardian provides written notice to
22 the school district or accredited nonpublic school indicating
23 that wearing a facial covering is detrimental to the student's
24 education. Additionally, the bill requires the board of
25 directors of a school district and the authorities in charge of
26 an accredited nonpublic school to process these requests within
27 24 hours after receipt and prohibits any adverse action against
28 a student who is granted an exception.

29 The bill requires the department of education to adopt
30 rules to create a process to accept complaints from parents
31 and guardians related to violations of the bill's provisions.
32 The bill provides that if the department determines that
33 any employee or contractor of the board of directors of a
34 school district or the authorities in charge of an accredited
35 nonpublic school has violated the bill's provisions, the

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1 department shall assess a civil penalty against the employee or
2 contractor not to exceed \$500 for each violation.